

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVEN A. RISTAU,

Petitioner,

vs.

STATE OF CALIFORNIA,

Respondent.

No. C 07-5489 JF (PR)

ORDER DIRECTING  
PETITIONER TO FILE  
AMENDED PETITION;  
INSTRUCTIONS TO CLERK

Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 10, 2008, this Court dismissed the petition and with leave to amend within thirty days of the date of the order. (Docket No. 4.) The order stated that “[f]ailure to file an amended petition will result in the Court proceeding with the cognizable claims (claims 17-25) and dismissing the remaining claims without prejudice pursuant to 28 U.S.C. § 2254.” At the same time, the Court noted that the petition was not on the Court’s habeas form, and that the Court could not fairly evaluate the petition in its present state. The time provided has passed, and Petitioner has not filed an amended petition.

Accordingly, the Court grants Petitioner another **thirty (30) days** from the date this order is filed to file an AMENDED PETITION to correct the deficiencies stated on

1 the Court's April 10, 2008 order.

2  
3 **CONCLUSION**

4 1. The amended petition must include the caption and civil case number used  
5 in this order (C 07-5489 JF (PR)) and the words "AMENDED PETITION" on the first  
6 page. The amended petition shall be on the Court's form for habeas petitions, a copy of  
7 which is enclosed with Petitioner's copy of this order. Because an amended petition  
8 completely replaces the original petition, Petitioner must include in it all the claims he  
9 wishes to present. Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir.), cert. denied, 113 S.  
10 Ct. 321 (1992). Petitioner must file all supporting documents he wishes to include with  
11 the amended petition. Petitioner shall allege a specific federal law or constitutional  
12 violations in his claims and briefly state any supporting facts in his grounds for relief.

13 **Failure to file an amended petition in the time provided will result in the dismissal of**  
14 **this action without further notice to Petitioner.**

15 2. The Clerk of the Court shall attach a copy of the Court's form habeas  
16 petition as well as a copy of the Court's April 10, 2008 order with the copy of this order  
17 to Petitioner.

18 3. It is Petitioner's responsibility to prosecute this case. Petitioner must keep  
19 the Court informed of any change of address and must comply with the Court's orders in  
20 a timely fashion. Failure to do so may result in the dismissal of this action for failure to  
21 prosecute pursuant to Federal Rule of Civil Procedure 41(b).

22 IT IS SO ORDERED.

23  
24 Dated: 6/30/08 \_\_\_\_\_

25   
26 JEREMY FOGEL  
27 United States District Judge  
28